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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

V.

LAWRENCE PATRICK MAGANA,

Defendant.

Case No. 2:17-cr-00228-KJD-NJK

**SECOND UNOPPOSED MOTION TO
EXTEND SELF-SURRENDER
DATE¹**

Defendant Lawrence Patrick Magana, by and through his attorney of record, LaRonda Martin, Assistant Federal Public Defender, moves this Court pursuant to 18 U.S.C. § 3143(a)(1) to extend Mr. Magana's self-surrender date to Monday, September 30, 2024, at noon. This motion is based on the following Memorandum of Points and Authorities.

DATED this 31st day of July, 2024.

RENE L. VALLADARES
Federal Public Defender

/s/ LaRonda Martin

LARONDA MARTIN
Assistant Federal Public Defender
Attorney for Lawrence Patrick Magana

¹ This motion is timely filed as no deadline is applicable.

1 On January 24, 2024, this Court sentenced Mr. Magana to twelve (12) months and one
2 (1) day in custody, followed by three years on supervised release.² The Court further ordered
3 Mr. Magana to self-surrender to the BOP by May 24, 2024 before 12:00 p.m.³ Mr. Magana
4 was designated to serve his sentence at FMC Lexington.

5 On May 2, 2024, Mr. Magana filed a Motion to Extend Self-Surrender Date.⁴ He
6 presented to an emergency department with reports of severe right upper quadrant abdominal
7 pain.⁵ Surgery was conducted to address the medical diagnosis.⁶ This Court granted his
8 motion and the new self-surrender date was extended to August 24, 2024 at noon.⁷

9 On July 10, 2024, Mr. Magana presented to the emergency department with reports of
10 a left proximal fibula fracture and COVID.⁸ Mr. Magana was evaluated by Dr. Rudy Robbe,
11 an orthopedic surgeon, and he advised that Mr. Magana seek further treatment. On July 30,
12 2024, Mr. Magana was treated at West Kentucky Orthopedics and Sports Medicine. Dr.
13 Nicholas Basham, PA opined that he must wear a CAM boot for three additional weeks and
14 receive physical therapy for the same period. Mr. Magana is expected to follow up in an
additional three weeks to recheck his injury with Dr. Basham.

15 Mr. Magana is requesting to extend his self-surrender date by 30 additional days, to
16 Monday, September 30, 2024, to allow him to obtain follow-up care and heal from the
17 fractured fibula.

18 Pursuant to 18 U.S.C. § 3143(a)(1):

19 [t]he judicial officer shall order that a person who has been found
20 guilty of an offense and who is awaiting imposition or execution
of sentence... be detained, unless the judicial officer finds by

21 ² ECF No. 214.
22 ³ *Id.*
23 ⁴ ECF. No. 233.
24 ⁵ *Id.*
25 ⁶ *Id.*
26 ⁷ ECF. No. 235.
27 ⁸ See Exhibit A.

1 clear and convincing evidence that the person is not likely to flee
2 or pose a danger to the safety of any other person or the
3 community if released under section 3142(b) or (c).

4 The continued application of any condition of supervision requires an individualized,
5 fact-specific inquiry.⁹ Mr. Magana has been on pre-trial release since October 6, 2017.¹⁰
6 During that time, he has followed his conditions, attended all scheduled court hearings, and
7 maintained good contact with his pre-trial officer. Mr. Magana has significant ties to his
8 community. He resides with his nephew in Kentucky. He is also receiving his medical care in
9 Hopkinsville, Kentucky.

10 For these reasons, the extension of Mr. Magana's self-surrender date will not create a
11 flight risk, pose a risk to the public, or interfere with the goals of 18 U.S.C. §§ 3142 and 3143.

12 Undersigned counsel consulted with the government. The government has no
13 objection to the defense's request to extend Mr. Magana's self-surrender date to September
14 30, 2024. The Office of Pretrial Release was previously contact and the office advised that
15 pretrial services supervision was removed in December 2022 due to Mr. Magana's ongoing
16 medical issues. As such, their office took no position in the first request for an extension.

17 Mr. Magana respectfully requests the Court grant his unopposed motion to extend his
18 self-surrender date to Monday, September 30, 2024, at noon.

19 DATED this 31st day of July, 2024.

20 Respectfully submitted,
21 RENE L. VALLADARES
22 Federal Public Defender

23 By /s/ LaRonda Martin
24 LARONDA MARTIN
25 Assistant Federal Public Defender

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⁹ *United States. v. Hir*, 517 F.3d 1081, 1092 (9th Cir. 2008).

¹⁰ ECF No. 11.

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

V.

LAWRENCE PATRICK MAGANA,

Defendant.

Case No. 2:17-cr-00228-KJD-NJK

ORDER

IT IS THEREFORE ORDERED that the surrender date currently scheduled for Friday, August 23, 2024 at 12:00 p.m., be vacated and continued to **September 30, 2024**, at the time and date of 12:00 p.m.

DATED August 16, 2024.

Bernd S.

UNITED STATES DISTRICT JUDGE